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21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC. Case No. CV 10-03561 WHA  
25 v. Plaintiff, **DECL. OF GEOFFREY G. MOSS IN SUPPORT**  
26 GOOGLE INC. Defendant. **OF ORACLE'S RULE 59 MOTION FOR A**  
27 **NEW TRIAL**  
28 Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William Alsup

1 I, Geoffrey G. Moss, declare and state as follows:

2 1. I am a member of the bar of the State of California, admitted to practice before this  
3 Court, and an associate with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),  
4 attorneys of record for plaintiff Oracle America, Inc. (“Oracle”). I am familiar with the events,  
5 pleadings and discovery in this action and, if called upon as a witness, I could and would testify  
6 competently to the matters stated herein of my own personal knowledge. I earned a Bachelor of  
7 Science in Computer Science from the University of California, San Diego. I submit this  
8 declaration in support of Oracle’s Rule 59 Motion For A New Trial.

9 2. I participated in a source code review, along with Mohamed Shakir of Keystone  
10 Strategy, of source code that Google made available for inspection on a computer maintained at  
11 the offices of Keker & Van Nest. These inspections took place on November 5, 2015, November  
12 25, 2015, December 14, 2015, and January 7, 2016. Google’s counsel represented it was making  
13 the source code for the following software available for inspection:

- 14 • ARC Welder
- 15 • App Runtime for Chrome
- 16 • Brillo
- 17 • Google Mobile Services
- Source code implementing versions of Android using OpenJDK

18 3. I have also reviewed Google’s announcements related to its new  
19 Marshmallow/Chrome OS product announced at the Google I/O conference on May 19, 2016 as  
20 well as related articles. Bush Decl. Exs. A, C, D, F, J. I did not observe source code for Google’s  
21 Marshmallow/Chrome OS in the files Google produced or made available for inspection during  
22 discovery. Also, Google did not represent that it was making such source code available for  
23 inspection.

24 I declare under penalty of perjury under the laws of the United States the foregoing is true  
25 and correct.

26 Executed this 6th day of July, 2016, at Los Angeles, CA.

